

MFS Rules - Chapter 22
Certified Resource Manager Grant Program

(Effective Date: 01 March, 2003)

MAINE DEPARTMENT OF CONSERVATION
MAINE FOREST SERVICE

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04 **DEPARTMENT OF CONSERVATION**

058 **BUREAU OF FORESTRY**

Chapter 22 **CERTIFIED RESOURCE MANAGER GRANT PROGRAM**

AUTHORITY: 12 MRSA, Chapter 801-A, PL 2001, c. 439, Pt. KKKK, § 1

SUMMARY: This rule establishes standards for the administration of and eligibility for a grant program to encourage Maine foresters to obtain initial, independent 3rd party certification as an exemplary forest resource manager.

SECTION I. PURPOSE

PURPOSE. The primary purpose of the rule is to establish standards, qualifications, and procedures that the Bureau of Forestry uses to provide grants to Maine foresters to obtain initial, independent 3rd party certification as an exemplary forest resource manager.

SECTION II. SCOPE

SCOPE. This rule governs a Bureau of Forestry program that awards grants to enable a Maine forester to obtain initial, independent 3rd party certification as an exemplary forest resource manager.

SECTION III. DEFINITIONS

The following terms, as used in this chapter, have the following meanings, unless expressly indicated:

- A. Bureau.** "Bureau" means the Bureau of Forestry within the Department of Conservation.
- B. Forest land.** "Forest land" means land used primarily to grow trees to be harvested for commercial use but where management objectives may include other values.
- C. Forestry.** "Forestry" means services relating to forestry requiring the application of forestry principles and techniques. The services include, but are not limited to, investigations, consultations, timber inventory, development of forest management plans, responsible supervision of forest management, forest utilization, appraisal of severed or unsevered timber, forest economics or other forestry activities as carried out in connection with any public or private lands. "Forestry" does not include services for the physical implementation of cutting, hauling, handling or processing of forest products or for the physical implementation of timber stand improvements or other silvicultural activities or

measuring or scaling activities performed by persons licensed under Title 10, Chapter 501, sub-Chapter 2-A.

D. Forester. “Forester” means a person licensed under Title 32, chapter 76.

E. Independent 3rd party certification. “Independent 3rd party certification” means a system that verifies sustainable forest management through an independent 3rd party audit of a forester’s management of a client’s forest lands.

SECTION IV. ELIGIBLE CERTIFICATION SYSTEMS AND AUDIT PROCESS STANDARDS

For the purposes of this chapter, the following standards apply.

A. INDEPENDENCE. To be considered an “independent 3rd party certification” system:

1. The certification program, including but not limited to the standards for awarding certification and the protocols for ascertaining compliance must be developed and administered by an entity with no financial or other relationship to a forest management entity except by contract for certification services; and,
2. Organizations or firms retained to audit must have no other business relationship with the forester being audited.

B. CERTIFICATION PROGRAM CRITERIA. The independent 3rd party certification program standards must meet at minimum the following criteria. The Director of the bureau has sole discretion to determine if a certification program meets the criteria:

1. The program must be voluntary, non-governmental, and must specifically evaluate forestry practices.
2. The program must develop sound principles and criteria for forest stewardship.
3. The program must employ site-specific, on-the-ground audits, conducted by independent third parties that have been accredited by the program. Audits must be conducted at least once every five years.
4. Audit teams must reflect a broad, interdisciplinary range of expertise. Audit team members should be independent from the forester being assessed.
5. Audit teams must issue a written certification decision and public record summary report.

SECTION V. STANDARDS AND PROCEDURES FOR GRANT PROGRAM ADMINISTRATION

A. ELIGIBILITY STANDARDS

1. The bureau may provide a grant to a forester seeking initial, independent 3rd party certification as an exemplary forest resource manager.
2. A forester must submit an application on a form provided by the bureau. The bureau will advise potential applicants of the signup period. Applications will only be accepted during the signup period.
3. After receiving an application, the director will review the application and determine if the independent 3rd party certification program meets the criteria identified in Section IV. B. of this chapter. The director will inform the applicant in writing that the application is complete, requires additional information, or is not accepted, and for what reasons.
4. The bureau may set priorities for funding based on funds available, the rigor of the certification system, and other subsidies available to the candidate forester.

B. MAXIMUM AMOUNT OF GRANT. The bureau may provide a grant to a candidate forester in an amount equal to 50% of the cost of obtaining initial, independent 3rd party certification as an exemplary forest resource manager or \$1,000.00, whichever is less. The bureau may make the grant directly to the certifying firm or organization. Within one year of obtaining the grant, the forester must submit to the bureau proof of certification and verifiable evidence of the total cost paid by the forester, or return the full amount of the grant, plus interest at the statutory rate accruing from the date the grant payment was received.

C. FORMS. The bureau will provide application forms for foresters seeking grant assistance under this chapter. The form will require at minimum the following information:

1. Forester name, address, phone number, and license number;
2. Certifier name, address, and phone number;
3. Certification system;
4. Copies of written policy and other records documenting forester commitment to sustainable forest management;
5. Other grants or subsidies applied for or received; and,
6. Amount of grant requested.

- D. RECAPTURE PROVISION.** A forester who accepts a grant but who fails to qualify as a certified forest resource manager within one year of receiving the grant or who fails to retain certification for the full certification period shall repay the amount of the grant to the bureau, together with interest from the date the payment was received.

SECTION VI. EFFECTIVE DATE

- A. EFFECTIVE DATE.** The effective date of these rules is 01 March, 2003. Grant applications submitted for resource manager certification completed or in process as of the effective date are not eligible for this program.